HAMLETS IN ALBERTA

THEIR DEFINITION AND DESIGNATION

A Discussion Paper

Alberta Municipal Affairs

HAMLETS IN ALBERTA

Their Definition and Designation

Summary and Recommendations

The term "hamlet" is used throughout the prairie provinces to describe a small unincorporated rural community. The present definition in the *Municipal Government Act* is very broad and is the source of some confusion especially when dealing with developments or areas which might qualify for financial assistance provided to hamlets.

In the course of developing a more appropriate definition it was found that the term "hamlet" is used in fifteen different provincial Acts. It is also used to define a certain type of community in officials lists and maps of place names and referred to in regional planning documents and in some municipal land use regulations. While solutions or ways around a poorly worded definition have been found, there is now an opportunity to simplify, to provide a common understanding of the term, and to make more effective use of time spent in implementing policies that relate to hamlets.

The recommendations are:

1. That the following definitions for "locality" and "hamlet" be placed in the Municipal Government Act and other legislation or regulations where one or more of the terms is used.

   Locality - an unincorporated community, urban in form, in a rural area with a population of up to 50 people

   Hamlet - an unincorporated community, urban in form, in a rural area with a population of 51 or more people and providing for a mixture of land uses

2. The boundary, where required, be prescribed by the municipality or the Minister in the case of improvement districts and special areas.

3. The School Act, section 130, be examined for use of a term other than "hamlet".

4. With respect to place names and mapping, that Alberta Culture give consideration to the use of these definitions.

To make clear the distinction between a "locality" or "hamlet" and "country residential" use, the following definition for the latter term is provided for reference:

Country residential - land use intended for the primary purpose of residential development in a rural setting on a parcel of land typically from 20,000 square feet to 10 acres (1,850 square metres to 4 hectares) in size.

The implementation of these recommendations would clarify which communities qualify for the street assistance and water and sewer programs, eliminate the need for ministerial orders for the road assistance program and result in a minor adjustment to the minimum requirement in hamlet size to qualify for 50% of taxes paid to be spent back in the hamlet.

This study was initiated in late 1983 and involved contact with staff in various divisions of Municipal Affairs, and with other departments, especially staff in Utilities and Telecommunications, Transportation and Culture.

Hopefully, this report will have achieved its purpose: to provide a review of the legal and working definitions of a "hamlet" in provincial legislation, regulations and programs, note the implications of these definitions and propose a definition more generally consistent with popular usage and existing grant, etc., programs and one appropriate to future common and legislative or regulatory use.

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I. INTRODUCTION

A definition of "hamlet" likely to be generally accepted would be the following:

> "a group of houses forming a small rural community; a little village" (Funk and Wagnalls Standard College Dictionary, 1976).

In Alberta one would add that it is an unincorporated place. However, the definition presently in the *Municipal Government Act* is very broad and the term is defined differently in respect to the application of various provincial programs.

The two most significant provincial programs deal with grants for water and sewer and transportation facilities in hamlets and the key issue leading to the preparation of this report is whether or not they apply to country residential subdivisions. Further background in this regard is provided in the review of resolutions and ministerial statements below.

Another initial issue pertaining to definition was that a hamlet need not incorporate regardless of size. Hence, the community of Sherwood Park with a population of about 30,000 people remains a hamlet within the administrative jurisdiction of the County of Strathcona.

As research was undertaken for this report it was found that the term "hamlet" was used in Acts other than those administered by Municipal Affairs and becoming more prevalent in usage in regional and municipal planning documents. Hopefully the proposed wording will deal effectively not only with the initial issues but with other concerns which became evident in the course of the study.

Resolutions and Ministerial Statements Pertaining to Hamlets

(a) 1981 Fall A.A.M.D. & C. Conference

NOW THEREFORE BE IT RESOLVED that the Alberta Association of Municipal Districts and Counties urge the Government of the Province of Alberta to re-define the term hamlet in order to exclude country residential subdivisions from hamlet status and such financial implications.

Government Response

The Government of Alberta believes that country residential subdivisions are not now, and should not be, designated as hamlets. Current studies are underway to see if amendments are required to the Municipal Government Act and if they are, they will be considered when the Municipal Government Act is next open for amendment.

(b) 1983 Spring A.A.M.D. & C. Conference

WHEREAS under the Municipal Government Act, Chapter M-26, R.S.A. 1980, there is no section which authorizes the boundaries of hamlets to be determined; and

WHEREAS there is a definition in the Municipal Government Act which states that the Minister of Municipal Affairs may declare hamlet boundaries by Order but the Minister is very reluctant to determine hamlet boundaries; and

WHEREAS hamlet boundaries under land use by-laws are for planning use only;

THEREFORE BE IT RESOLVED that recommendations be made to the Department of Municipal Affairs to amend the Municipal Government Act, Chapter M-26, R.S.A. 1980, to include a section which authorizes the councils of municipal districts and counties to determine the

boundaries of hamlets, under their jurisdiction, for all purposes not covered by other legislation if that council so wishes and that the appropriate appeal procedures be included.

Government Response

The government recognizes that the delineation of hamlet boundaries by the municipal council for the purpose of administering local programs has some merit. This request will be considered when the Municipal Government Act is next opened for amendment.

(c) The following question was directed to the Honourable Julian Koziak at the 1983 Spring A.A.M.D. & C. Conference:

QUESTION: Could you elaborate on proposed legislation amendments regarding country residential subdivision?

ANSWER : My department is looking at a system which can restrict the movement of country residential to hamlet status, a movement which imposes certain financial obligations on counties and MDs.

The approach being examined would take into account that residences in a hamlet would have to be on lots less than the normal country residential acreage. This is just one approach the department is looking at.

(d) In response to a request from the Municipal District of Sturgeon that six country residential subdivisions be amalgamated into a hamlet in order to be eligible to receive all grants applicable to any other hamlet, the Deputy Minister affirmed the position taken with respect to the 1981 Fall A.A.M.D. & C. resolution. In rejecting this application, the Deputy Minister advised of the possible incorporation of the subdivision as a village.

II. DEFINITIONS

Municipal Government Act

This Act defines "hamlet" as"

"1(f) "hamlet" means

(i) an area of land subdivided into lots and blocks as a townsite, a plan of which is registered in a land titles office,

(ii) an area of land as defined by clause (s)(i), and (iii) on which are erected improvements used for purposes other than farming purposes, or

(iii) an area declared by an order of the Minister to be a hamlet;

...

(s) "parcel" means

(i) any unsubdivided block or any lot, or any part or such a block or lot, in any area of land of which plan of subdivision is registered in a land titles office,

...

(iii) if there is no such plan of subdivision, a ¼ section of land according to the system of surveys under the Surveys Act or any other area the description of which has been approved by the proper land titles office, or".

This definition, while providing, as expected, for an area subdivided as a townsite, also allows a variety of other subdivisions and even for quarter sections to be so defined so long as it is used for purposes other than farming. A cursory review of earlier legislation indicates that in 1912 a hamlet was defined as

"44. an area of land which has been subdivided into building lots or as a townsite and a plan of which has been registered.." (Ch 3, Rural Municipalities, 1911-12).

By 1942 the definition had been amended and was identical to the present one except the definition of parcel excluded the words "any unsubdivided block or" in (s)(i) above.

Section 277 of the Municipal Government Act also contains a definitional reference to hamlet. This section provides for residents of a hamlet to petition the municipal district for at least 50% of the taxes collected in the hamlet to be expended on public works in the hamlet. Subsection (3) provides that section 277 "applies only to a hamlet in which there are at least 10 dwellings".

Improvement Districts Act

This Act defines "hamlet" in essentially the same manner as the Municipal Government Act. Section 16 gives authority for the Minister to provide water and fire fighting equipment and the scavenging of a hamlet and, with the approval of the Public Utilities Board, may provide street lighting with all of these services chargeable as taxes on property in the hamlet.

Gazetteer of Canada

Energy, Mines and Resources Canada publish a comprehensive list of names of settlement and geographic features. The volume for Alberta has the following definition for "hamlet":

> "a (unincorporated) named rural community, usually compact and having at least one business outlet"-Gazetteer of Canada, Alberta, 1974.

The Canadian Permanent Committee on Geographical Names is currently reviewing all generic terms used in the Gazetteer but have not yet examined "hamlet".

Not all provinces use the term "hamlet" to describe a community but those which do, have varying definitions. For example, the Gazetteer for Manitoba defines hamlet as "compact but smaller than a village and/or with a population of 50 to 100". The Saskatchewan Gazetteer

defines hamlet as a place with a population of 51 or more.

In Alberta, additions and changes to the Gazetteer are reviewed by a committee of the Historic Sites Board and the Board then makes a recommendation to the Minister of Culture. Once approved, the information is forwarded to other provincial departments and the Federal Government.

Alberta Energy and Natural Resources

The Cartographic Services Group of the Resource Evaluation and Planning Division of this department maintains a listing of names of geographic and settlement features in Alberta. The listing, obtained from a variety of sources including the Gazetteer, various provincial departments and Statistics Canada, includes 277 hamlets. These are not in total approved by the Canada Permanent Committee on Geographical Names.

The definition used by Energy and Natural Resources is:

> "an unincorporated place, usually containing not less than 8 separate buildings occupied as dwellings and with a minimum of one retail business outlet such as a general store".

The smallest unit for which the 1981 Census of Canada provides population data is the "unincorporated place" which is defined as "any cluster of five or more permanently occupied dwellings locally known by a specific name but not having a local government".

Population data was found for 246 of the 277 hamlets in the above listing and this is summarized by population size.

Hamlets by Population Size
(1981 Census of Canada)

Population	Number of Hamlets
0 - 50	71
51 - 100	88
101 - 250	65
251 - 500	17
501 - 750	2
751 - 1000	2
1000+	1
	246

Population counts undertaken by municipalities and improvement districts for hamlets are often different from the tally prepared by the Census of Canada. This is likely due to the absence of clearly established boundaries for hamlets.

III. IMPLICATIONS OF DEFINITION

Municipal Government Act

In view that a hamlet is an unincorporated place, there is little in legislation pertaining to hamlets. Two sections that are relevant are section 261 which authorizes a municipal district, in providing a water supply system to a hamlet, to recover the cost through the municipal tax on properties in the hamlet. If the recommended definition for hamlet is implemented then this section should be amended to include a locality in order that the municipality could cover the cost through a levy on property therein. The second is section 277 which permits residents of a hamlet to petition the municipal district to cause 50% of the taxes collected to be spent within the hamlet. The present requirement in section 277(3) of the hamlet containing at least ten dwellings could remain as a further dimension to the nature of the qualifying hamlet.

Incidentally, the 1911-12 Statutes of Alberta, Ch 3, Municipalities, section 46, also provided for at least 50% of a hamlet's taxes to be spent therein if properly petitioned.

Improvement Districts Act

The authority given to the Minister under this Act in respect of charging water system costs to hamlet properties is similar to that in the Municipal Government Act. In addition, the Minister may charge street lighting (with approval of the P.U.B.) scavenging of a hamlet and the supplying of fire fighting equipment to hamlet properties. The existing definition for hamlet is essentially the same as in the Municipal Government Act. It would be recommended that section 1(a) of the Improvement Districts Act be amended to coincide with that of the Municipal Government Act. Also, sections 16(3), (4) and (5) would need to be amended to permit the charges incurred in cleaning up property or supplying water or fire fighting equipment to a locality or a hamlet be assessed to benefitting properties. Street lighting improvements in localities (perhaps 1 - 3 bulbs) are a minor cost and could remain as per present practice in small places as a charge to the improvement district.

Alberta Municipal Water Supply and Sewage Treatment Grant Program

This is a major shared-cost program administered by Alberta Utilities and Telecommunications. It provides for water and sewage treatment facilities to be installed in incorporated communities, municipal districts, improvement districts, counties and hamlets. If the community has less than 600 people (no minimum population) project costs are shared on a 75/25 provincial/municipal basis. For communities of 601 - 100,000 population, the costs are shared on a 50/50 basis.

The administrators of this program have used a variety of data sources, including staff in Municipal Affairs, the Gazetteer, etc., to determine if a community would qualify as a hamlet. Country residential subdivisions do not qualify and hence, location, parcel size and subdivision design are important factors.

In the period 1979 - 82 there were 282 projects initiated with perhaps one-third of these in hamlets.

Alberta Hamlets Street Assistance Program

In 1979 a program for improving all aspects of streets and sidewalks was initiated by Alberta Transportation. The grant formula is $10,000 basic plus $60 per capita for a hamlet with a population of 50 to 99 and $30,000 plus $60 per capita for a hamlet of more than 100 people. Communities of less than 50 people are reviewed on an individual basis.

Since 1979 the Minister of Municipal Affairs has designated 117 hamlets expressly for the purpose of the Street Assistance Program. There have been improvements under this program in 45 hamlets in improvement districts and special areas and in eighty hamlets in municipal districts and counties. Initially, places with less than 50 people were designated but more recently applicants for designation of communities of this size are intially directed to Alberta Transportation. If an improvement program is likely, then Municipal Affairs proceeds to obtain a ministerial order.

The budget for this program is $1 million annually and is scheduled to end in 1984/85. About 35 to 40 hamlets in improvement districts and 40 hamlets in municipal districts, counties and special areas remain to benefit under this program. The existing budget is likely to be adequate for this; each remaining hamlet will require a ministerial order.

Liquor Control Act

This Act and the Liquor Licence Regulation (A.R. 362/80, as amended) pursuant thereto provide for the issuance of licences to establishments for the sale of liquor.

Consideration of approval for a licence for a premises outside the boundaries of a municipality or hamlet (as currently defined) is dealt with in sections 8 and 9 of the Licence Regulation. These sections prohibit the issuance of a licence for a Beverage Room, Lounge or Night Club if the facility is located on or near a highway as defined in the Highway Development Act. The Liquor Control Board does give weight to "designated" hamlets and hence, there may sometimes be pressure to define as a hamlet the site of a few structures in order that a Beverage Room or Cocktail Lounge Licence could be issued.

If the proposed definition for hamlet is implemented then licences for such establishments along highways in localities (formerly hamlets) of less than 50 people could not be issued. From the viewpoint of Municipal Affairs a new definition of hamlet (over 50 people) would be a positive action as it would eliminate requests for designation of locations solely for the purpose of the consideration for a liquor licence. The Alberta Liquor Control Board may want to consider whether or not the new definition is in keeping with their regulation or the intention of the Liquor Control Act and propose such changes as required.

Subdivision Regulation

Section 20 of this regulation requires that, unless permitted in a regional plan, a subdivision approving authority shall not approve country residential subdivisions within one mile of an incorporated community of less than 1,000 persons; within two miles of an incorporated community having a population of 1,000 to 5,000 and within five miles of a city or town in excess of 5,000 persons. There are no provincial legislative or regulatory restrictions on country residential in the vicinity of hamlets. The intent of the regulation to limit such subdivisions in the possible expansion paths of growing communities does not apply even when the hamlet is of a size to qualify as a city, i.e. the hamlet of Sherwood Park.

Prior to 1978 the Subdivision and Transfer Regulation, section 20, was more restrictive in that there was no reference to "unless otherwise permitted in a regional plan".

Sherwood Park - A Special Case

There are eight transportation assistance programs ($116 million in 1983/84) available to the twelve cities with two of the programs ($16 million in 1983/84) also available to the County of Strathcona. There are five transportation assistance programs ($28 million in 1983/84) available to rural municipalities (sometimes excluding improvement districts and special areas) including the County of Strathcona.

It is a complex task to isolate the net impact of Sherwood Park being a hamlet rather than a city in respect to the transportation grants available to the area bounded by the County of Strathcona. The report "Municipal Services in the County of Strathcona No. 20", Alberta Municipal Affairs, July 1983, concludes that the per capita grant for transportation (excluding transit) is lower to Strathcona than to the average of five other rural municipalities (p. 163). It also received less than other cities of comparable size in respect to urban transportation assistance (although special assistance is being provided by the province for recent improvements to the Wye Road).

Alberta Transportation is proposing there be some rationalization of all transportation grants in Strathcona by defining Sherwood Park and adjoining industrial and urban reserve type lands as urban and the remainder as rural.

Other Grant/Requisition Aspects

The existence of Sherwood Park as a hamlet has led to a few other anomalies in the handling of grants and requisitions:

(a) For family and community service grants, the entire county is considered a city and therefore, the county received less money from FCSS than if the rural and urban components were handled separately.

(b) The requisition for the Alberta Planning Fund is based on the County of Strathcona being a rural municipality. In 1983 the rate was 0.259 mills on equalized assessment as compared to 0.563 if the county or Sherwood Park were treated as an urban centre.

(c) The policing function for the rural area of the county is handled by the R.C.M.P. under a provincial/federal government agreement while the county purchases R.C.M.P. services for Sherwood Park as if the hamlet were a city.

Other Acts

Based on a computer search by the Attorney General's office, the word "hamlet" is found in 22 sections of 15 different Acts. Further to the more significant uses of the term dealt with above the following covers the use of the term in the remaining eleven Acts.

- Agricultural and Recreational Land Ownership Act - section 4
  Restrictions on foreign ownership apply in hamlets except those specifically excluded by the Minister. This exclusion has been made for Sherwood Park. The new definition has an inconsequential effect on this Act.

- Coal Conservation Act - section 9
  Permits regulations respecting mining in urban places and hamlets. New definition deemed inconsequential in view of power in Act for regulations generally.

- County Act - section 1
  Hamlet is defined as over 5,000 people in respect to representation on board of education. Inconsequential impact.

- Drainage Districts Act - section 1
  The definition of "parcel of land" equates hamlet to village, town or city in respect to an agreement between the board of the drainage district and a municipality. Inconsequential impact.

- Election Act - section 26
  Requires elector lists where a hamlet has more than 10,000 people. Inconsequential impact.

- Electric Power and Pipeline Assessment Act - section 3
  Permits exemption from assessment of any part of a gas distribution system in a hamlet of less than 500 people. Inconsequential impact (see also Municipal Taxation Act).

- Highway Traffic Act - section 82
  Drivers in a motorcade outside an urban area, hamlet, or built up area shall leave sufficient space between vehicles for others to enter and occupy. Inconsequential impact.

- Local Tax Arrears Consolidation Act - section 3
  There may be an application for the consolidation of tax arrears by those owning 5 or more acres in a rural municipality, owners in a city, town or village and resident owners in a hamlet. If the new definition for hamlet is adopted then section 3(1)(b) should be amended to include "locality" with hamlet.

- Municipal Taxation Act - section 24

  This section exempts from taxation gas valves and installations serving a hamlet of less than 500 people. Inconsequential impact.

- Police Act - sections 1 and 36

  An urban municipality, defined as including hamlets, may enter into agreements for R.C.M.P. service where the population exceeds 1,500 people. Inconsequential impact.

- Public Highways Development Act - sections 34 to 37

  Authority is given to urban municipalities, including hamlets in which there are 10 or more buildings used in whole or in part as dwelling places, to regulate development adjoining any designated controlled streets. The change in definition to at least 51 people would not be a significant shift in the intent of the legislation; the building qualification could remain.

- School Act, section 130

  For the purposes of determining an additional requisition only, the Minister of Education may by order declare an area to be a hamlet. This section is used for Hutterite Colonies; 25 - 30 quarter sections have been so declared. Inconsequential impact. It is suggested that consideration be given in the School Act to the use of "special benefit area" or something other than hamlet to minimize confusion.

- Rural Gas Program

  Although hamlet is not mentioned in any Act dealing with this program it should be noted that the cost of a natural gas hook-up to rural and urban customers who may decide to participate say in a rural gas cooperative vary. To a rural customer the charge is about $1,700 and to an urban customer, or where the density in the community is greater than one household per acre,

the charge is $600 per parcel. The proposed amendment would assist in the administration of this program.

IV. RECOMMENDATIONS

1. That the following definitions for "locality" and "hamlet" be placed in the *Municipal Government Act* and other legislation or regulations where one or more of the terms is used.

   Locality - an unincorporated community, urban in form, in a rural area with a population of up to 50 people

   Hamlet - an unincorporated community, urban in form, in a rural area with a population of 51 or more people and providing for a mixture of land uses.

2. The boundary, where required, be prescribed by the municipality or the Minister in the case of improvement districts and special areas.

3. The School Act, section 130, be examined for use of a term other than "hamlet".

4. With respect to place names and mapping, that Alberta Culture give consideration to the use of these definitions.

To make clear the distinction between a "locality" or "hamlet" and "country residential" use the following definition for the latter term is provided for reference:

Country residential - land use intended for the primary purpose of residential development in a rural setting on a parcel of land typically from 20,000 square feet to 10 acres (1,850 square metres to 4 hectares) in size.

Discussion

An alternative recommendation could be to maintain the status quo. The very broad definitions in the *Municipal Government Act* and *Improvement Districts Act* would remain; there could be varying definitions to continue to deal with; some pieces of legislation would continue without a useful definition. Nonetheless, the two more important hamlet programs, the road grants and the water and sanitary sewage system grants, would continue as per past practice being carefully administered to exclude country residential subdivisions.

The status quo is not recommended. The existing definition is so broad that it offers little guidance to those using the legislation. There is a need for a common understanding amongst staff of various departments having to deal with issues involving hamlets and the public needs to feel it is being treated reasonably. There are attempts to "stretch" what might be a historic interpretation or the definition intended in the legislation.

The hierarchy of place names, excluding geographical features, would begin with "former locality". This would be used for a settlement no longer in existence or evident or for one or two buildings, such as a church, school, community hall or grain elevator in a rural area. This is a useful term for mapping purposes and also provides a record of historic place names for reference or for use when new development takes place. It is not intended this term be formally defined here but is noted to indicate consistency with naming and mapping systems.

The locality would be next in the heirarchy and would represent a community with up to 50 people. It may have developed historically as a townsite or service centre for a surrounding rural area and may or may not provide services at present. While the residential lot size may have originally been urban in character, lot consolidation may have taken place and there may now be a scattered housing pattern. (Consideration was given to use of the term "settlement". This, however, was rejected in view that it is a word used to describe a legally established area of subdivided land surveyed prior to the division of the province into townships and ranges and of which there are about thirty in Alberta.)

The third order place name would be a hamlet and as indicated in the definition would have a minimum population, residential lot size typical of an urban area and the existence of or potential for non-residential or service uses. Another feature would be that the subdivision design would allow for expansion of the community.

A definition is provided for country residential, not for the purposes of inclusion in the *Municipal Government Act* at this time although that is a future possibility. Rather, it is provided for reference purposes and for possible use in regulations where they need to be distinguished from hamlets. As can be seen in Appendix 2 there are some variations that cover to a lesser or greater degree the two main components of the definition:

parcel size - not mentioned, "relatively small area", "more than one parcel per quarter section", and

residential use - "for private residences", "primary purpose,.of a dwelling with the option of engaging in subordinate rural activities".

The suggested definition gives a typical range of parcel size that respects planning use and recognizes that residential use is a primary but not sole use.

Elements of the Definition

(i) Population

A number of definitions used by other agencies have a minimum size (population or occupied dwellings) characteristic. In the Gazetteer for Saskatchewan and Manitoba it is a minimum of 50 people; for section 277 of the *Municipal Government Act* to be effective there was to be a minimum of ten homes; and in the 1981 Census of Canada, a minimum of five homes is required for a population count to be taken. Also, a base population of 50 people is required for consideration in the Hamlet Street Assistance Program. Hence, it is recommended that a minimum of 50 people be required for hamlet status. The tally of the previous municipal or federal census or a special census confirmed by an affidavit

of the municipality would be used to confirm status as a hamlet or a locality.

Consideration was given to proposing a maximum population for a hamlet: where population exceeded, say, 1,000 people, village or town status would have to be applied for. In this case, communities such as Fort Chipewyan might be required to make such an application (1979 population 1,179; 1981 Census of Canada population 944). Section 13 of the *Municipal Government Act* which deals with the formation of summer villages, villages, towns or cities, is permissive - a petition must be submitted signed by the majority of persons who would be proprietary electors of the village. Although large, some hamlets may not have a sufficient property tax assessment for self-government and/or can be more effectively administered by the rural municipality. While the province supports self-government, hamlet residents in municipal districts and counties could be considered to have self-government albeit at a "density" of a rural municipality rather than a hamlet. They could form local ratepayers' associations or community councils, perhpas based on townhall meetings, to assit in the local democratic, political process. It is, therefore, recommended that a maximum population limit not be imposed. Sherwood Park is a special case. There will need to be continued consideration given in provincial legislation, regulations or programs to reflect the special nature of the County of Strathcona. The hamlet or "urban area" of Sherwood Park has evolved over a thirty year period and is an integral component of a county that has urban and country residential, industrial and rural aspects.

(ii) Average Parcel Size

Historically, a hamlet would have residential lots of a size common in urban areas. Depending on the year of subdivision, a lot might range from about 3,000 to 10,000 square feet. With respect to a multiple parcel country residential subdivision, land use by-laws in the province generally permit a parcel size of 1 to 3 acres (1 acre = 43,560 square feet) although parcels up to 5 and 10 acres can also be found in some subdivisions. The Subdivision Regulation requires a minimum parcel size of 20,000 square feet for a single family unit which is not served by a sewage collection system or by a water distribution system (and this includes hamlets).

Section 22 provides for a maximum parcel size of 10 acres for country residential.

(iii) Land Use

Historically, most hamlets have evolved as service centres for a surrounding rural area and hence, often have or had grain elevators, a general store, fuel sales, a post office and/or a community hall. This contrasts with the vast majority of multiple parcel country residential subdivisions which provide only for residential use; services are invariably provided in an adjoining city, town, village or hamlet. However, there are exceptions to the parcel size and land use characteristics such as the community plan for Janvier, and other special land tenure communities which will provide community service facilities but with an average residential lot size of 2 acres.

(iv) Boundary

Boundaries for a number of hamlets have been drawn either through ministerial designation for grant purposes, by municipalities for tax or expenditure purposes, or by planning agencies for land use control. The extent to which the Census of Canada or municipal population counts relate to the same boundaries or those outlined above has not been analyzed but in the comparison of a small sample of hamlets there are some inconsistencies.

There would seem to be some merit in confirming one boundary for each hamlet and making this information available to agencies for petition, tax allocation, population, planning, grant application and other purposes. Boundaries for about 117 hamlets have already been drawn through ministerial order for the street assistance program and boundaries for the remaining eighty hamlets eligible for this program will be drawn in the next year. These boundaries may be appropriate for the variety of purposes outlined and could, without amendment, be circulated to the appropriate agencies. However, it would seem more appropriate for municipalities, possibly with the assistance of regional planning commissions and for Municipal Affairs in improvement districts and special areas to define the boundaries of all hamlets giving con-

sideration to the variety of uses of such information. Although a by-law process is recommended these boundaries would not be given status which accrues to village, town or city boundaries or requiring official or formal approvals by the Local Authorities Board. While legislative or program reference to what are now to be localities is and will likely continue to be infrequent, the opportunity to define their boundaries should be provided.

Implementation

The following summarizes the proposed amendments as discussed previously in this report:

- Municipal Government Act, section 1(f) amend definition of "hamlet"
- Municipal Government Act, section 261, insert "locality" re: costs of water system installation
- Municipal Government Act, section 261.1, add provision for drawing of locality or hamlet boundary by municipal district by by-law
- Improvement Districts Act, section 1(a), amended definition of "hamlet"
- Improvement Districts Act, section 16(4)(a), add "locality" in respect to the supplying of water within the hamlet
- Local Tax Arrears Consolidation Act, section 3(1)(b), add "locality" in conjunction with hamlet
- School Act, section 130, be examined for use of term other than hamlet, such as "special benefit area".

With respect to place names and mapping, it is recommended that Alberta Culture give consideration to the use of the definitions proposed herein.

Following any external review of these proposals, it would be proposed the Minister of Municipal Affairs be requested to direct the preparation of the necessary documentation to begin the process of giving proper legal effect to the recommendations and to forward the above noted suggestion to Alberta Culture.

APPENDIX I

Hamlets as Defined in Regional Plans

1.	Battle River	-	not defined
2.	Calgary	-	An unincorporated subdivision as defined by the Municipal Government Act designed to create lots for residential and other classes of use.
3.	Edmonton	-	An unincorporated area of land subdivided into lots as a townsite in a rural municipality and recognized as such in Policy 3.1 of this Plan.
4.	Oldman	-	An existing hamlet named as a designated hamlet in a land use by-law or a statutory plan of the rural municipality in which the hamlet is located.
5.	Palliser	-	An unincorporated settlement in a rural municipality which may be identified according to characteristics in a General Municipal Plan for detailed policies.
6.	Red Deer	-	An unincorporated centre situated in a rural municipality having an area of land which is subdivided into lots and blocks and recognized as such by a general municipal plan and/or land use by-law.
7.	South Peace	-	An unincorporated settlement designated by: (i) the Minister of Municipal Affairs under the Municipal Government Act; or (ii) a rural municipality in a general municipal plan.
8.	Southeast Alberta	-	An unincorporated settlement in a rural municipality.
9.	Yellowhead	-	(Proposed) An area of land in a rural municipality identified in a land use by-law/order for a mixture of residential, commercial, institutional and other land uses.

APPENDIX 2

Country Residential as Defined in Regional Plans

1.	Battle River	-	not defined
2.	Calgary	-	Relatively small areas of land intended for use as sites for private residences in a rural surrounding.
3.	Edmonton	-	Land use intended for rural residential purposes with the option of engaging in subordinate rural activities. Such activities may include agricultural, recreational, commercial or educational uses which are compatible with surrounding land uses.
4.	Oldman	-	A use of land the primary purpose of which is for dwelling or the establishment of a dwelling in a rural area whether the dwelling is occupied seasonally, for vacation purposes or otherwise, or permanently.
5.	Palliser	-	A dwelling or mobile home situated on a parcel of land used principally for private residential purposes within an otherwise rural area.
6.	Red Deer	-	Means the use of land in a rural municipality outside of a hamlet for residential purposes, both permanent and seasonal. Included are single (farmstead removals and first parcel separations) and grouped country residential subdivisions.
7.	South Peace	-	not defined
8.	Southeast Alberta	-	A dwelling or mobile home with or without accessory buildings and uses which is situated on a parcel used solely for private residential purposes and accessory uses within an otherwise rural area.
9.	Yellowhead	-	Rural residential land uses where there is more than one parcel per quarter section.

APPENDIX 3

Possible Legislation

The recommendations in this report could be implemented by an omnibus Hamlet Statutes Amendment Act which might take a form such as the following:

Improvement Districts Act

1(1) The Improvement Districts Act is amended by this section.

(2) Section 1 is amended

(a) by repealing subsection (a) and by substituting the following:

"(a) "hamlet" means an unincorporated community, urban in form, with a population of 51 or more persons and providing for a mixture of land uses;"

(b) by adding the following after subsection (c):

"(c.1) "locality" means an unincorporated community, urban in form, with a population of 50 or less persons:'.

(3) Section 16(3), (4) and (5) is amended by adding "locality or" before "hamlet" wherever it occurs.

Local Tax Arrears Consolidation Act

2(1) The Local Tax Arrears Consolidation Act is amended by this section.

(2) Section 3(1)(b) is repealed and the following is substituted:

"(b) the owner of a parcel situated in a hamlet or locality as defined in the Municipal Government Act, or".

Municipal Government Act

3(1) The Municipal Government Act is amended by this section.

(2) Section 1 is amended

(a) by repealing subsection (f) and by substituting the following:

"(f) "hamlet" means an unincorporated community, urban in form, in a municipal district with a population of 51 or more persons and providing for a mixture of land uses;".

(b) by adding the following after subsection (j)

"(j.1) "locality" means an unincorporated community, urban in form, in a municipal district with a population of 50 or less persons;".

(3) Section 261(1) is amended by adding "locality or" before "hamlet" wherever it occurs.

(4) The following is added after section 261:

"261.1 A council of a municipal district may by by-law prescribe the boundary of a locality or hamlet."

School Act

4(1) The School Act is amended by this section.

(2) Section 130 is amended by striking out "hamlet" and substituting "special benefit area".

(3) Section 131 is amended by striking out "hamlet" wherever it occurs and substituting "special benefit area".